

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. Prior to February 2000, the Department calculated the family's ANFC and Food Stamps based on the fact that the petitioner's rent was \$750 a month. The Department also did not realize that in addition to SSI benefits of \$190 a month, the petitioner also received Social Security of \$242 a month; and it mistakenly did not count the petitioner's Social Security in

determining the family's benefits, which prior to February were \$792 in ANFC and \$449 in Food Stamps.

3. Sometime prior to February 2000 the petitioner moved to subsidized housing. Based on information provided to the Department by the agency that leases the petitioner's subsidized apartment, the Department, in February, 2000, determined that the petitioner pays \$463 a month in rent and is given the benefit of a fuel and utility subsidy of \$101 a month. The Department also began counting the petitioner's Social Security benefits at this time. According to the Department's calculations this resulted in a decrease in the petitioner's ANFC to \$682 and in his Food Stamps to \$304 a month.

4. At the hearing, held on April 12, 2000, the petitioner was shown the Department's calculations. Although he did not agree with the policies that led to the reductions in his grants, he did not dispute that the Department's calculations were correct under those policies.

ORDER

The Department's decision is affirmed.

REASONS

In determining the petitioner's ANFC the Department correctly calculated the family's benefits based on a household of four persons. This is because SSI recipients are not included in the household, and their income is not deemed available to other household members. WAM § 2242. Therefore, the fact that the Department recently realized that the petitioner was also receiving Social Security benefits did not affect the family's ANFC (only its Food Stamps [see infra]).

The family's ANFC was affected by the petitioner's move to subsidized housing, and by the resultant decrease in his rent and his receipt of a fuel and utility subsidy. Under the ANFC regulations individuals whose housing costs exceed the \$450 monthly basic housing allowance are entitled to receive a "special needs allowance" up to \$90 for the amount that their rent exceeds \$450. WAM § 2245.23(6). Prior to February the petitioner received the maximum \$90 allowance because his rent (\$750) was more than \$90 in excess of \$450. In February, when the Department determined that his rent payments were \$463, the petitioner's special needs allowance was reduced to \$13 (\$463 minus \$450).

Also under the ANFC regulations, individuals in subsidized housing who receive a fuel and utility subsidy must have up to

\$70 of that subsidy counted as unearned income. WAM § 2252(F). The reduction in the petitioner's special needs allowance and the inclusion of an additional \$70 in income combined to lower the petitioner's ANFC grant to \$682. WAM § 2240.2.

Thus, it appears that the Department correctly applied the regulations to the petitioner's circumstances in determining the amount of his ANFC. As noted above, the petitioner does not take issue with the Department's actual calculations.

For Food Stamps, before the petitioner was in subsidized housing his shelter expense deduction was based on his rent (\$750) plus the standardized utility standard of \$336. Food Stamp Manual (FSM) §§ 273.9(d)(5-6). Also, all income received by all household members is included in the computation of a household's Food Stamps. FSM §§ 273.1(a) and 273.9(b). As noted above, prior to February 2000, the Department did not realize that the petitioner was receiving Social Security benefits in addition to his SSI. Based on this mistaken calculation of income, and on the petitioner's housing costs as they existed at that time, the petitioner received \$449 a month in Food Stamps.

As of February, the reduction in the petitioner's rent from \$750 to \$463 and the inclusion of his Social Security income combined to lower his Food Stamps to \$304 a month. As noted

above, the petitioner was shown, and does not dispute, the Department's actual calculations.

Inasmuch as the Department's decisions in this matter are based on an accurate determination of the petitioner's circumstances and are in accord with the pertinent regulations they must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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